

FORM PTO-1390 (Modified)
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

NIDN-73132

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR
10/009,990

INTERNATIONAL APPLICATION NO.
PCT/GB00/02226

INTERNATIONAL FILING DATE
8 June 2000

PRIORITY DATE CLAIMED
8 June 1999

TITLE OF INVENTION

Ventilation System

APPLICANT(S) FOR DO/EO/US

Earl Harling, Nicholas Zappacosta, Walt Bateman, Robert Orlowski, Ann Byar, and Gary Tobin

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

copy of this transmittal letter for charging purposes, copy of the Notification of Missing Requirements as required, Petition for Extension of three months time with authorization to charge fee and copy, Petition Under 37 CFR 1.47(a)(5 pages) with four exhibits and authorization to charge fee, and a return postcard

U.S. APPLICATION NO. (IF KNOWN) SEE 37 CFR 107009,990	INTERNATIONAL APPLICATION PCT/GB00/02226	ATTORNEY'S DOCKET NUMBER NIDN-73132
---	--	---

24. The following fees are submitted:

CALCULATIONS PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1040.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **\$890.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$740.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$710.00**
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$0.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$18.00
Independent claims	- 3 =	0	x \$84.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>

\$0.00

\$0.00

\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$130.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

\$0.00

SUBTOTAL =

\$130.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

TOTAL NATIONAL FEE =

\$130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

\$0.00

TOTAL FEES ENCLOSED =

\$130.00

09/13/002 GFREY1 00000026 500588 10009990

01 FC: 54 130.00 CH

Amount to be:
refunded \$
charged \$

- a. ☐ A check in the amount of _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. **500-588** in the amount of **\$130.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **500-588** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert F. Chisholm
Amersham Biosciences Corp
800 Centennial Avenue
Piscataway, New Jersey 08855

(732) 980-2930

SIGNATURE

Robert F. Chisholm

NAME

39,939

REGISTRATION NUMBER

September 6, 2002

DATE

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
NIDN-73132

In Re Application Of: E. Harling, et al.

Serial No.
10/009,990

Filing Date
To be assigned

Examiner
To be assigned

Group Art Unit
To be assigned

Invention: Ventilation System

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of N/A above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: June 9, 2002 until: September 9, 2002
Date *Date*

The fee for the extension of time is \$920 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 500-588
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 500-588
A duplicate copy of this sheet is enclosed.


Signature

Dated: September 6, 2002

Robert F. Chisholm
Amersham Biosciences Corp
800 Centennial Avenue
Piscataway, New Jersey 08855

(732) 980-2930

Reg. No.: 39,939

09/11/2002 GFREY1 00000026 500588 10009990

02 FC:117 920.00 CH

cc:

I certify that this document and fee is being deposited on September 6, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

Melissa Leck

Typed or Printed Name of Person Mailing Correspondence



UNITED STATES PATENT AND TRADEMARK OFFICE

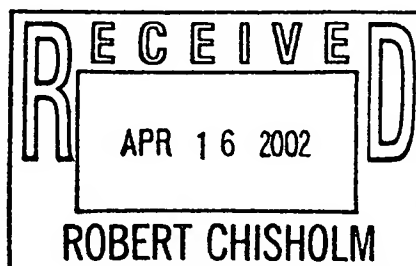
Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

COPY

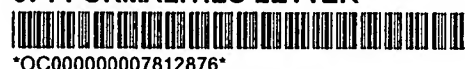
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,990	Earl Harling	NIDN-73132

INTERNATIONAL APPLICATION NO.	
PCT/GB00/02226	
I.A. FILING DATE	PRIORITY DATE
06/08/2000	

Royal N Ronning Jr.
Amersham Biosciences
800 Centennial Avenue
Piscataway, NJ 08855



CONFIRMATION NO. 6720
371 FORMALITIES LETTER



OC000000007812876

Date Mailed: 04/09/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

Action: Declaration Due
Due Date: 9 June 2002
On Database: yes 16 Apr 02
Patent Officer: RC+ER
On Excel List: yes
On Desk Calendar: yes
Copy Sent To: N/A

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,990	PCT/GB00/02226	NIDN-73132

FORM PCT/DO/EO/905 (371 Formalities Notice)

COPY

for charging

NIDN-73132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: E. Harling, et al. Group Art Unit: To be assigned
Serial Number: 10/009,990 Examiner: To be assigned
Filing Date: To be assigned
Title: Ventilation System

Petition Under 37 C.F.R. 1.47 (a)

Honorable Assistant Commissioner for Patents
Box PCT
Washington, DC 20231

Sir:

The undersigned states and declares as follows:

1. I am a registered patent attorney authorized to practice before the United States Patent and Trademark Office (Reg. No. 39,939).
2. I am employed by Amersham Health AS, formerly known as Nycomed Imaging AS (the owner of international patent application number PCT/GB00/02226, to which the instant application claims priority, and all patents and applications claiming priority thereto) and its affiliate Amersham Biosciences Corp as Patent Counsel. As part of my duties in that position, I am responsible for coordinating

the United States filing of international patent applications owned by Amersham Health AS, including the captioned application.

3. The captioned application was filed on December 7, 2001, and claims priority, *inter alia*, to international patent application number PCT/GB00/02226 filed June 8, 2000, and to patent application number 9913321.7, filed June 8, 1999, in Great Britain. The referenced patent application claims the benefit of United States provisional patent application number 60/138,057 filed June 8, 1999.
4. On April 9, 2002, a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" was mailed in connection with the captioned application for lack of a signed oath or declaration. A declaration, attached hereto as Exhibit 1, was prepared and attempts were made to contact the inventors via First Class United States postal service and via the United States Post Office using the service "Certified Return Receipt Requested."
5. The first inventor, Earl Harling, the fifth inventor, Ann Byar, and the sixth inventor, Gary Tobin, executed and dated the declaration and returned the original to me for filing in response to the notice. The second inventor, Nicholas Zappacosta, the third inventor, Walt Bateman and the fourth inventor, Robert Orłowski, have failed to execute the declaration and/or have not been found or reached after diligent effort.

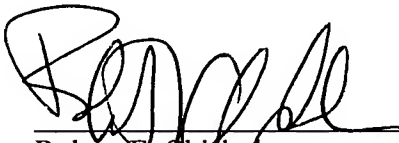
6. The declaration was mailed to inventor Nicholas Zappacosta on June 27, 2002, via First Class United States postal service and via the United States Post Office using the service "Certified Return Receipt Requested." The envelopes were returned by the United States Post Office stamped "Returned to Sender – Not Deliverable as Addressed Unable to Forward." The address on the transmittal letter and the envelopes is the last known address for this inventor. A copy of the transmittal letter and the stamped envelopes are attached hereto as Exhibit 2.
7. The declaration was mailed to inventor Walt Bateman on June 27, 2002, via First Class United States postal service and via the United States Post Office using the service "Certified Return Receipt Requested." The envelope mailed via First Class Mail was not returned. The envelope mailed using the service "Certified Return Receipt Requested" was delivered as the return receipt arrived with inventor Walt Bateman's signature affixed. However, the United States Post Office failed to stamp the return receipt or manually enter the date inventor Walt Bateman signed for the envelope. A copy of the return receipt is attached hereto as Exhibit 3. Inventor Walt Bateman has failed to execute and return the declaration he received.
8. The declaration was mailed to inventor Robert Orłowski on June 27, 2002, via First Class United States postal service and via the United States Post Office using the service "Certified Return Receipt Requested." The envelope mailed via First Class Mail was not returned. The envelope mailed using the service

"Certified Return Receipt Requested" was delivered as the return receipt arrived with inventor Robert Orlowski's signature affixed. The United States Post Office stamped the date inventor Robert Orlowski signed for the envelope as July 2, 2002. A copy of the return receipt is attached hereto as Exhibit 4. Inventor Robert Orlowski has failed to execute and return the declaration he received.

9. The due date for filing the declaration in connection with the captioned application, with a three months extension of time, is September 9, 2002. It is respectfully requested that the declarations signed by inventors Earl Harling, Ann Byar and Gary Tobin be accepted under 37 C.F.R. 1.47 (a) on behalf of themselves and the nonsigning inventors. Such action is necessary to prevent the application from becoming abandoned, to preserve the rights of the parties, and to prevent irreparable damage.
9. In the event that I am able to subsequently obtain signatures of inventors Nicholas Zappacosta, Walt Bateman and/or Robert Orlowski, a supplemental declaration(s) executed by the inventor(s) will be filed.
10. Please charge Applicant's Deposit Account Number 500-588 in the amount of \$130.00 to cover the fee for this petition. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Applicant's Deposit Account Number 500-588.

11. A response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" mailed April 9, 2002, is being simultaneously submitted attaching the declarations executed and dated by three of the six inventors. An authorization to charge the surcharge of \$130.00 is included with the response. Additionally, enclosed therewith is a "Petition for Extension of Time Under 37 C.F.R. 1.136(a) (Large Entity)" authorizing the charge for a three months extension of time for response fee of \$920.00 to Applicant's Deposit Account Number 500-588.
12. Please direct any outstanding issues directly to Applicant's representative at the contact number listed below.

Respectfully submitted,


Robert F. Chisholm
Reg. No. 39,939
Attorney for Applicants

Amersham Biosciences Corp
800 Centennial Avenue
P. O. Box 1327
Piscataway, New Jersey 08855-1327

Tel: (732) 980-2930
Fax: (732) 457-8463

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 6 Sept 02.

Melissa Leck
Signature Melissa Leck
Date September 6, 2002